



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,957	03/25/2004	Edward T. Grochowski	42P18226	7887
8791	7590	05/26/2006		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER LI, AIMEE J	
			ART UNIT 2183	PAPER NUMBER

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/809,957

Applicant(s)

GROCHOWSKI, EDWARD T.

Examiner

Aimee J. Li

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2004 and 01 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-43 have been considered.

#### ***Papers Submitted***

2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Specification as received on 25 March 2004; Drawings as received on 25 March 2004; Abstract as received on 25 March 2004; Oath and Declaration as received on 25 March 2004; IDS as received on 25 March 2004; Authorization for Extension of Time on All Replies as received on 25 March 2004; Change of Address as received on 08 January 2005 and 01 February 2005.

#### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "258" and "270" have both been used to designate the confidence value. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "256" and "252" have both been used to designate the predicted value.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both the bus line and the connection point of element 24 and the bus line. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to because

- a. Figure 2, label "CONFIG. VALUE" is used to identify the "confidence value".  
Please correct this to "CONFID. VALUE".

- b. Figure 2, element 238 points to both the Confidence Value Pattern History Table and the Predicted Value Pattern History Table, but the specification only indicates that element 238 should point to the Predicted Value Pattern History Table.
- c. Figure 2, labels CONFIG. VALUE, CONFIDENCE VALUE PATTERN HISTORY TABLE and PREDICTED VALUE PATTERN HISTORY TABLE all seem to identify element 270 due to the proximity to element 270.

7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: paragraph 0037 with reference to Figure 5A, element 39 is not in Figure 5A only 5B. Corrected drawing sheets in

Art Unit: 2183

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 2, elements 258 and 256; Figure 4A, element 400; Figure 4B, element 450; Figure 5A, elements 48 and 68; and Figure 5B, elements 74 and 84. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

Art Unit: 2183

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 34 recites the limitation "said second circuit" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. No second circuit has previously been established.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-12, 15-22, and 36-43 are rejected under 35 U.S.C. 102(b) as being taught by Dirk Grunwald, Artur Klauser, Srilatha Manne, and Andrew Pleszkun's "Confidence Estimation for Speculation Control" IEEE ©1998 (herein referred to as Grunwald).

14. Referring to claim 1, Grunwald has taught an apparatus, comprising:

- a. A first circuit to store a global confidence history (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraph 1; and Figure 2);
- b. A second circuit to store a global prediction value history (Grunwald Section 3.1, paragraphs 1 and 4; Section 3.3; Section, 3.3.1, paragraphs 1 and 5; and Figure 2);
- c. A first index function to produce a first index signal from said global confidence history (Grunwald Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and

4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2); and

- d. A first pattern history table to retrieve a value responsive to said first index signal (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2).

15. Referring to claims 15 and 36, taking claim 15 as exemplary, Grunwald has taught a method, comprising:

- a. Creating a first index using a global confidence history (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraph 1; and Figure 2); and
- b. Applying said first index to a pattern history table to retrieve a value (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2).

16. Claim 36 has similar limitations to claim 15 and is rejected for similar reasons.

17. Referring to claims 2, 16, and 37, taking claim 2 as exemplary, Grunwald has taught the apparatus of claim 1, wherein said first index function to use an instruction pointer signal (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2). Claims 16 and 23 have similar limitations to claim 2 and are rejected for the same reasons.



Art Unit: 2183

18. Referring to claims 3, 17, and 38, Grunwald has taught, taking claim 3 as exemplary, the apparatus of claim 2, wherein said first index function to use said global prediction value history (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2). Claims 17 and 38 have similar limitations to claim 3 and are rejected for the same reasons.

19. Referring to claims 4, 18, and 39, Grunwald has taught, taking claim 4 as exemplary, the apparatus of claim 1, wherein said first pattern history table to store a confidence count (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2). Claims 18 and 39 have similar limitations to claim 4 and are rejected for the same reasons.

20. Referring to claim 5, Grunwald has taught, taking claim 5 as exemplary, the apparatus of claim 4, wherein said confidence count to increment subsequent to a correct prediction (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2).

21. Referring to claim 6, Grunwald has taught the apparatus of claim 4, wherein said confidence count to decrement on an incorrect prediction (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2).

Art Unit: 2183

22. Referring to claims 7, 22, and 43, taking claim 7 as exemplary, Grunwald has taught the apparatus of claim 4, wherein said confidence count to clear on an incorrect prediction (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2). Claims 22 and 43 have similar limitations and are rejected for the same reasons.

23. Referring to claim 8, Grunwald has taught the apparatus of claim 4, wherein said confidence count to form a confidence value signal by utilizing a threshold (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2).

24. Referring to claims 9, 21, and 42, taking claim 9 as exemplary, Grunwald has taught the apparatus of claim 7, wherein said confidence value signal to update said global confidence history (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2). Claims 21 and 42 have similar limitations to claim 7 and are rejected for the same reasons.

25. Referring to claim 10, Grunwald has taught the apparatus of claim 7, further comprising a second pattern history table to retrieve a predicted value (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2).

26. Referring to claim 11, Grunwald has taught the apparatus of claim 10, wherein said confidence value signal to mask said predicted value (Grunwald Section Abstract; Section 1,

Art Unit: 2183

paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2).

27. Referring to claim 12, Grunwald has taught the apparatus of claim 11, wherein said apparatus to issue a predicted value signal including combinations predicted true and confident, predicted false and confident, and not confident (Grunwald Section 3.3.1, paragraphs 1-5).

28. Referring to claims 19 and 40, taking claim 19 as exemplary, Grunwald has taught the method of claim 18, further comprising comparing said confidence count to a threshold (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2). Claim 40 has similar limitations to claim 19 and is rejected for the same reasons.

29. Referring to claims 20 and 41, taking claim 20 as exemplary, Grunwald has taught the method of claim 19, further comprising issuing a confidence value responsive to said comparing. (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2). Claim 41 has similar limitations to claim 40 and is rejected for the same reasons.

### ***Claim Rejections - 35 USC § 103***

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dirk Grunwald, Artur Klauser, Srilatha Manne, and Andrew Pleszkun's "Confidence Estimation for Speculation Control" IEEE ©1998 (herein referred to as Grunwald) as applied to claim 1 respectively above, and further in view of McFarling et al., U.S. Patent Number 5,758,142 (herein referred to as McFarling). Grunwald has not taught

- a. The apparatus of claim 1, wherein said first circuit and said second circuit are speculative registers (Applicant's claim 13).
- b. The apparatus of claim 13, further comprising a third circuit to store an architectural global confidence history, and a fourth circuit to store an architectural global prediction value history, wherein said third circuit to update said first circuit and said fourth circuit to update said second circuit (Applicant's claim 14).

32. McFarling has taught

- a. The apparatus of claim 1, wherein said first circuit and said second circuit are speculative registers (Applicant's claim 13) (McFarling column 4, lines 13-14 and 30-35 and column 6, lines 7-8).
- b. The apparatus of claim 13, further comprising a third circuit to store an architectural global confidence history, and a fourth circuit to store an architectural global prediction value history, wherein said third circuit to update said first circuit and said fourth circuit to update said second circuit (Applicant's claim 14) (McFarling column 5, line 55 to column 6, line 64; column 10, lines 23-55; Figure 1; Figure 2; and Figure 9).

Art Unit: 2183

33. A person of ordinary skill in the art at the time the invention was made, and as taught by McFarling, multiple branch predictor, like that of McFarling, provides better branch prediction (McFarling column 3, lines 30-31), thereby improving instruction scheduling and processing time (McFarling column 1, lines 36-49 and column 2, lines 5-10). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the multiple branch predictors of McFarling in the device of Grunwald to improve instruction scheduling and processing time.

34. Claims 23-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dirk Grunwald, Artur Klauser, Srilatha Manne, and Andrew Pleszkun's "Confidence Estimation for Speculation Control" IEEE ©1998 (herein referred to as Grunwald) in view of Free On-Line Dictionary of Computing (herein referred to as FOLDOC).

35. Referring to claim 23, Grunwald has taught a system, comprising a processor including a first circuit to store a global confidence history (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraph 1; and Figure 2), a first index function to produce a first index signal from said global confidence history (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraph 1; and Figure 2), and a first pattern history table to retrieve a value responsive to said first index signal (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2). Grunwald has not taught

- a. An interface to couple said processor to an input/ output circuit; and

- b. An audio input/output circuit.

36. FOLDOC has taught

- a. An interface to couple said processor to an input/ output circuit (FOLDOC “computer” ©1995); and
- b. An audio input/output circuit (FOLDOC “audio” ©1999).

37. In regards to FOLDOC, “computer” has taught that “I/O devices allow the computer to communicate with the user and the outside world”, which includes audio that produces sound. A person of ordinary skill in the art at the time the invention was made, and as taught by FOLDOC, would have recognized that I/O circuits, which include audio, “allow the computer to communicate with the user and the outside world” (FOLDOC “computer” ©1995), thereby allowing the user and outside world to monitor the computer’s functions and results. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the I/O devices of FOLDOC in the device of Grunwald to allow the user and outside world to monitor the computer’s functions and results.

38. Referring to claim 24, Grunwald has taught the apparatus of claim 23, wherein said first index function to use an instruction pointer signal (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2).

39. Referring to claim 25, Grunwald has taught the apparatus of claim 24, wherein said first index function to use said global prediction value history (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2).

40. Referring to claim 26, Grunwald has taught the apparatus of claim 23, wherein said first pattern history table to store a confidence count (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2). Claims 18 and 39 have similar limitations as claim 4 and are rejected for the same reasons.

41. Referring to claim 27, Grunwald has taught the apparatus of claim 26, wherein said confidence count to increment subsequent to a correct prediction (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1; paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2).

42. Referring to claim 28 Grunwald has taught the apparatus of claim 26, wherein said confidence count to clear on an incorrect prediction (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2).

43. Referring to claim 29, Grunwald has taught the apparatus of claim 26, wherein said confidence count to form a confidence value signal by utilizing a threshold (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2).

44. Referring to claim 30, Grunwald has taught the apparatus of claim 29, wherein said confidence value signal to update said global confidence history (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2).

Art Unit: 2183

45. Referring to claim 31, Grunwald has taught the apparatus of claim 26, further comprising a second pattern history table to retrieve a predicted value (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2).

46. Referring to claim 32, Grunwald has taught the apparatus of claim 26, wherein said confidence value signal to mask said predicted value (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2). In regards to Grunwald, Grunwald has taught that the confidence value is used to determine whether to use a predicted value or not (Grunwald Section Abstract; Section 1, paragraphs 2-3; Section 3, paragraphs 2 and 4-5; Section 3.1, paragraphs 1 and 4; Section 3.2.1, paragraph 1; Section 3.3; Section 3.3.1, paragraphs 1 and 5; and Figure 2) and a “mask” in computer science is “A pattern of characters, bits, or bytes used to control the elimination or retention of another pattern of characters, bits, or bytes (www.dictionary.com “mask” ©2000).”

47. Referring to claim 33, Grunwald has taught the apparatus of claim 32, wherein said apparatus to issue a predicted value signal including combinations predicted true and confident, predicted false and confident, and not confident (Grunwald Section 3.3.1, paragraphs 1-5).

48. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dirk Grunwald, Artur Klauser, Srilatha Manne, and Andrew Pleszkun’s “Confidence Estimation for Speculation Control” IEEE ©1998 (herein referred to as Grunwald) in view of Free On-Line Dictionary of Computing (herein referred to as FOLDOC) as applied to claim 23 above, and



further in view of McFarling et al., U.S. Patent Number 5,758,142 (herein referred to as McFarling). Grunwald has not taught

- a. The apparatus of claim 23, wherein said first circuit and said second circuit are speculative registers (Applicant's claim 34).
- b. The apparatus of claim 34, further comprising a third circuit to store an architectural global confidence history, and a fourth circuit to store an architectural global prediction value history, wherein said third circuit to update said first circuit and said fourth circuit to update said second circuit (Applicant's claim 35).

49. McFarling has taught

- a. The apparatus of claim 1, wherein said first circuit and said second circuit are speculative registers (Applicant's claim 13) (McFarling column 4, lines 13-14 and 30-35 and column 6, lines 7-8).
- b. The apparatus of claim 13, further comprising a third circuit to store an architectural global confidence history, and a fourth circuit to store an architectural global prediction value history, wherein said third circuit to update said first circuit and said fourth circuit to update said second circuit (Applicant's claim 14) (McFarling column 5, line 55 to column 6, line 64; column 10, lines 23-55; Figure 1; Figure 2; and Figure 9).

50. A person of ordinary skill in the art at the time the invention was made, and as taught by McFarling, multiple branch predictor, like that of McFarling, provides better branch prediction (McFarling column 3, lines 30-31), thereby improving instruction scheduling and processing

Art Unit: 2183

time (McFarling column 1, lines 36-49 and column 2, lines 5-10). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the multiple branch predictors of McFarling in the device of Grunwald to improve instruction scheduling and processing time.

### *Conclusion*

51. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

- a. Pan et al., U.S. Patent Number 5,553,253, has taught a branch prediction device with a confidence register tracking the accuracy of the branch predictor.
- b. Tse-Yu Yeh and Yale N. Patt's "Alternative Implementation of Two-Level Adaptive Branch Prediction" ACM ©1992 has taught a branch prediction device with a branch accuracy tracker.
- c. Scott McFarling's "Combining Branch Predictors" ©1993 has taught multiple branch predictors with accuracy trackers.

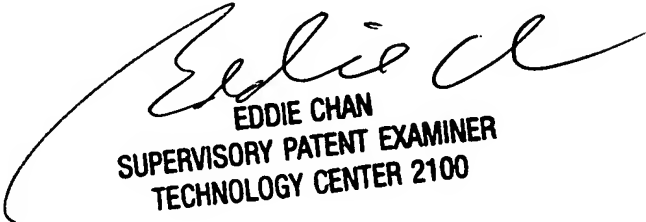
52. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aimee J. Li whose telephone number is (571) 272-4169. The examiner can normally be reached on M-T 7:30am-5:00pm.

Art Unit: 2183

53. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

54. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AJL  
Aimee J. Li  
01 May 2006



EDDIE CHAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100